IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

CRP.No. 947 of 2005()

AGAINST THE ORDER IN EP. 4 /2005 IN
OS.45/2002 of PRINCIPAL SUB COURT,ATTINGAL

.....

REVN. PETITIONER:

BALAKRISHNAN NAIR,
S/O. MADHAVA KURUP, K.P.S.C. ACADEMY CHAIRMAN,
KRISHNANVILASOM VEEDU,
PULIMATHU DESOM, PULIMATH VILLAGE.

BY ADV. SRI.T.M.ABDUL LATHEEF
SMT.P.RESHMA KABIR

RESPONDENTS: DECREE HOLDER/PLAINTIFF:

K.B. PRABHAKARAN, S/O. KUNCHU KRISHNAN
KATTAKKALIL, KODUVAZHANNOOR VILLAGE,
PULLAYIL P.O.

BY ADV. SRI.M.R.RAJESH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

Order on I.A.2696/05 in C.R.P.No.947/05

11.12.06 Dismissed Sd/- M.Sasidharan Nambiar
Judge

/true copy/

M.Sasidharan Nambiar,J.

C.R.P.No.947 of 2005

Dated this the 11th day of December,2006

O.R.D.E.R

Petitioner is the judgment debtor. Respondent is the decree holder. Petitioner is challenging the order passed by Sub Judge, Attingal in E.P.4/05. Case of petitioner was that he has no means to pay the decree debt and learned Sub Judge has not properly appreciated the evidence and hence the order is to be set aside.

2. On hearing learned counsel appearing for petitioner and the respondent, I do not find any illegality or irregularity in the order warranting interference in exercise of the revisional jurisdiction of this court under section 115 of the Code of Civil Procedure Code. On appreciating the evidence executing court found that petitioner has sufficient means to pay the decree debt. Learned counsel appearing for the petitioner then submitted that petitioner may be permitted to pay

the balance decree debt in thirty equal monthly instalments. Learned counsel appearing for the respondent submitted that if the petitioner is prepared to pay the decree amount without failure, instalment facility can be granted.

3. Petitioner is permitted to pay the entire balance decree debt in thirty equal monthly instalments,the first monthly instalment falling due on 1.1.07 and the subsequent due dates being first day of the remaining months. If petitioner commits default in payment of two consecutive monthly instalments, respondent is entitled to get the petitioner arrested and detained in prison.

Civil Revision Petition is disposed as above.

M.Sasidharan Nambiar
Judge

tpl/-

M.SASIDHARAN NAMBIAR, J.

CRL.R.P.NO. /97

ORDER

MARCH,2006